

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

PAMELA G. CAPPETTA,	)	
Plaintiff,	)	
v.	)	
	)	Civil Action No. 3:08-cv-00288
GC SERVICES LIMITED PARTNERSHIP,	)	
	)	
Defendant.	)	

**JOINT MOTION FOR STATUS CONFERENCE**

Defendant GC Services, LP ("GCS") and Pamela G. Cappetta ("Cappetta") respectfully submit this Joint Motion requesting a Status Conference regarding the schedule for pre-trial disclosures and for trial.

This matter is presently scheduled for a one-day trial on November 17, 2009. The Court's Scheduling and Pretrial Order (D.N. 138) set pre-trial disclosure deadlines, including a November 2, 2009 deadline for the parties to file their witness lists and for Plaintiff to file its exhibit list and discovery designations, among other filings, and a November 5, 2009 deadline for Defendant to file its exhibit list and discovery designations and for the parties to file jury instructions and voir dire questions, among other filings. Complying with these deadlines will require sufficient effort on behalf of both parties.

Plaintiff's Motion to Certify Class (D.N. 174) is pending before the Court, as well as for her Motion for Sanctions (D.N. 172) which seeks, in part, the exclusion of certain evidence. The parties acknowledge that it is unclear how the trial will proceed or how their pretrial disclosures and trial preparation can be completed without a resolution of these Motions. The Defendant contends that should the Court grant Plaintiff's Motion, the class trial cannot proceed as a one-day trial on November 17, 2009. While the Plaintiff disagrees with any assertion that the trial of

class issues would greatly complicate the presentation of the evidence in the case given her existing need to put on pattern and practice evidence as to willfulness, she does agree that significant efficiencies and judicial economies will be obtained if the pre-trial disclosures otherwise required could be made after decisions on the pending Motions.

The parties, therefore, ask the Court to set a Status Conference at its first convenience regarding the timing of pre-trial disclosures pending resolution of the outstanding motions.

Dated: October 29, 2009

Respectfully submitted,

GC SERVICES, LP

By:                     /s/                      
Charles M. Sims, Esq. (VSB No. 35845)  
John "Jack" M. Robb, III, Esq. (VSB No. 73365)  
LeClairRyan, A Professional Corporation  
Riverfront Plaza, East Tower  
951 East Byrd Street, 8<sup>th</sup> Floor  
Post Office Box 2499  
Richmond, Virginia 23219  
(804) 915-4138 Telephone  
(804) 916-7238 Facsimile  
[jack.robb@leclairryan.com](mailto:jack.robb@leclairryan.com)  
[Charles.Sims@leclairryan.com](mailto:Charles.Sims@leclairryan.com)

David M. Schultz, Esq.  
Todd Stelter, Esq.  
Hinshaw & Culbertson, LLP  
222 N. LaSalle Street, Suite 300  
Chicago, IL 60601  
Telephone: (312) 704-3527  
Facsimile: (312) 704-3001  
[dschultz@hinshawlaw.com](mailto:dschultz@hinshawlaw.com)  
[tstelter@hinshawlaw.com](mailto:tstelter@hinshawlaw.com)

Brian P. Brooks, Esq.  
O'Melveny & Myers LLP  
1625 Eye Street, NW  
Washington, D.C. 20006  
(202) 383-5127 Brooks  
[BBrooks@omm.com](mailto:BBrooks@omm.com)  
*Counsel for Defendant GC Services, LP*

Leonard A. Bennett, Esq.  
Matthew J. Erausquin, Esq.  
Consumer Litigation Associates, P.C.  
3615-H Chain Bridge Road  
Fairfax, Virginia 22030  
Telephone: (703) 273-7770  
Facsimile: (888) 892-3512  
[lenbennett@cox.net](mailto:lenbennett@cox.net)  
[matt@clalegal.com](mailto:matt@clalegal.com)

Jason M. Krumbein, Esq.  
Krumbein Consumer Legal Services, Inc.  
1650 Willow Lawn Drive, Suite 300  
Richmond, Virginia 23230  
Telephone: (804) 673-4358  
Facsimile: (804) 673-4350  
[KrumbeinLaw@gmail.com](mailto:KrumbeinLaw@gmail.com)

Richard J. Rubin, Esq.  
1300 Canyon Road  
Santa Fe, New Mexico 87501  
Telephone: (505) 983-4418  
Facsimile: (505) 983-2050  
[dickrubin@cs.com](mailto:dickrubin@cs.com)

***Counsel for Plaintiff Pamela G. Cappetta***

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of October, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Leonard A. Bennett, Esq.  
Matthew J. Erausquin, Esq.  
Consumer Litigation Associates, P.C.  
3615-H Chain Bridge Road  
Fairfax, Virginia 22030  
Telephone: (703) 273-7770  
Facsimile: (888) 892-3512  
[lenbennett@cox.net](mailto:lenbennett@cox.net)  
[matt@clalegal.com](mailto:matt@clalegal.com)

Jason M. Krumbein, Esq.  
Krumbein Consumer Legal Services, Inc.  
1650 Willow Lawn Drive, Suite 300  
Richmond, Virginia 23230  
Telephone: (804) 673-4358  
Facsimile: (804) 673-4350  
[KrumbeinLaw@gmail.com](mailto:KrumbeinLaw@gmail.com)

Richard J. Rubin, Esq.  
1300 Canyon Road  
Santa Fe, New Mexico 87501  
Telephone: (505) 983-4418  
Facsimile: (505) 983-2050  
[dickrubin@cs.com](mailto:dickrubin@cs.com)  
***Counsel for Plaintiff Pamela G. Cappetta***

/s/  
\_\_\_\_\_  
John "Jack" M. Robb, III, Esq. (VSB No. 73365)  
LECLAIRRYAN, A PROFESSIONAL CORPORATION  
951 East Byrd Street, 8<sup>th</sup> Floor  
Post Office Box 2499  
Richmond, Virginia 23219  
(804) 915-4138 Telephone  
(804) 916-7238 Facsimile  
[jack.robb@leclairryan.com](mailto:jack.robb@leclairryan.com)  
***Counsel for Defendant GC Services, LP***